



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Second day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.14172 of 2014

M.VIMALANATHAN

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 23 OF 2014

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.EDDY AND EMBOSS LAW FIRM Advocate
For Respondent : M/S.A.P.BALASUBRAMANIAN
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

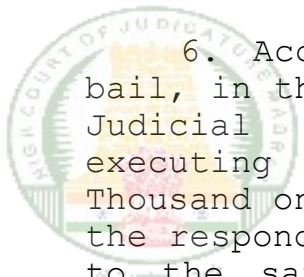
Apprehending arrest at the hands of the respondent police in Crime No.23 of 2014, on the file of the respondent police for offences under Sections 498(A), 406 and 506(i) of the Indian Penal Code and Section 3 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prevention of Harassment of Women Act, the petitioner is now before this Court seeking Anticipatory Bail.

2. Earlier, this matter was referred to the Mediation and Conciliation Centre and the Mediation Centre has sent a failure report on 25.09.2014.

3. Heard the learned counsel for the petitioner.

4.The marriage between the de-facto complainant and the petitioner was solemnized on 15.04.2013 and they have no issues. It is alleged by the de-facto complainant that at the time of marriage, 10 sovereigns of gold was given by her parents.

5. The learned Government Advocate (Crl.side), on instructions from the police, would submit that the petitioner has returned the gold jewellery. The learned Counsel for the petitioner submits that the petitioner would return the utensils and other household articles and that he is ready and willing to return the same. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioner, but with conditions.



6. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance before the learned Judicial Magistrate, Aruppukottai, Virudhunagar District, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the petitioner shall report before the respondent Police every day 6.30 p.m. for a period of four weeks and thereafter as and when required for interrogation. The Petitioner shall return all the household articles to the defacto complainant through the Investigating Officer, who shall ensure the same

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl. Side), whether the petitioner is complying with the order or not.

sd/-

02/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKKOTTAI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTTUR
3. THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
4. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.EDDY AND EMBOSS LAW FIRM Advocate SR.No.4627
RL/6C - 5/2/2015

ORDER

IN

CRL OP(MD) No.14172 of 2014

Date : 02/02/2015